IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5982 OF 2005
IN
CRIMINAL APPEAL NO.225 OF 2005

Noor Alam Naimulla Khan. ..Applicant.

V/s.

The State of Maharashtra. ..Respondents.

Mr.Shahid Ajmi i/b P.R.Pandey for applicant.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 23, 2005.

P.C. :

1. Heard counsel for the parties. Perused the pleadings. As appeal is already admitted on 21st March, 2005 and it is unlikely that it will be heard immediately; coupled with the fact that the applicant is convicted only for offence punishable under section 452, 392 r/w 397 of the I.P.Code to undergo rigorous imprisonment for seven years and the applicant has already undergone almost two years of imprisonment during the trial and pendency of the appeal, in my opinion, applicant deserves to be granted bail by imposing strict condition.

2. Indeed, the learned APP has brought on record

that there are antecedents against the applicant but it is seen that applicant is already acquitted in two cases. There is one more criminal case pending against the applicant for offence under section 395, 397, 342 etc. However, as mentioned earlier, as the applicant has undergone almost two years of sentence, he can be released on bail by imposing strict condition. Thus, the application is disposed of on the following terms.

(A) Applicant is directed to be enlarged on bail in connection with the C.R.No.169 of 2004 registered with Ghatkopar Police Station by executing bond in the sum of Rs.1(one) Lakh, with two local sureties in like amount.

(B) The applicant shall report to the concerned police station once in fortnight on Monday between 10 a.m. to 12 noon.

(C) The applicant shall inform the concerned officer his latest place of residence.

(D) The applicant shall not leave jurisdiction of Bombay Sessions Court till final disposal of Criminal Sessions Case No.834/2004 arising out of C.R.No.86 of

2004 registered at Ghatkopar Police Station without prior permission of the Sessions Court, Bombay.